NEBRASKA

JAIL BULLETIN

NUMBER 117

MARCH/APRIL 1995

The Jail Bulletin may be used as a **supplement** to your jail in-service training program. This is a two-part issue for the months of March and April 1995. If officers study the material and complete the corresponding "open book" quiz, they may receive one-half hour of credit for each test successfully completed or a total of one hour for the entire Issue Number 117. The bulletin and quiz may be reproduced for staff use as necessary. We welcome any material you would like to contribute to the Jail Bulletin.

REPORT WRITING AND DOCUMENTATION

PART I - THE PRINCIPLES OF A GOOD REPORT

Writing reports and completing forms are essential tasks of the correctional officer. Reports and forms are essential to the operation of a jail because they (1) establish an accurate, cumulative record of occurrences within the facility, (2) provide the jail administrator with information of which he/she must be aware, and (3) provide documentation which is important in the event of litigation.

A report, by definition, is a **formal presentation of facts**. It is a written recollection of the writer and provides a **permanent record** of his/her actions, observations and discoveries. Since a report is a presentation, it may be reviewed by all elements in the criminal justice system, including inmates and their attorneys. It contains only facts, not judgments, innuendos or opinions. A report is a **legal document**. As a general rule:

A report is written for anyunusual incident or situation or as documentation of any procedure or event which impacts on the safety and security of the facility and its occupants or the legality or constitutionality of department operations.

Reports in correctional facilities tend to fall into one of three different areas:

The contents of the *Jail Bulletin* represent the views of the author(s) and do not necessarily reflect official views or policies of the Nebraska Crime Commission or the Nebraska Jail Standards Board.

- 1. Reports completed by others which **jail staff <u>must review</u>** for <u>accuracy</u> and <u>completeness</u>, such as court documents, visitor's logs, admission/release reports, etc. It is critical that the officer in this case know what sections must be completed and that proper signatures appear on the report.
- 2. Reports which the **officer completes** but requires **no narrative information**, such as head counts, perimeter checks, cell and dorm checks, medication logs, etc. Unusual incidents or situations should be noted on these reports.
- 3. Reports which the <u>officer completes</u> which require <u>narrative statements</u>. These can range from short remarks in the pass-down log to detail ed descriptions of events/incidents. These reports tend to be the most difficult since they require the greatest report writing skills. In this article we will focus our attention on this type of report writing.

Written reports are, in many ways, like word pictures that must be carefully painted. The key elements in a carefully painted work picture (report) are:

- **language** that precisely conveys an action, observation or discovery;
- **brevity** (to the degree possible); and
- good form.

SEVEN ESSENTIALS OF ALL GOOD REPORTS

To properly and completely relate an idea, incident or event, information and data must be collected which provide the answers to certain basic questions. These basic questions which must be answered are known as the **seven essentials** of report writing, and are commonly referred to as **WHO**, **WHAT**, **WHEN**, **WHERE**, **WHY**, **HOW AND ACTION TAKEN**.

WHO? Who was involved? Identify:

- All persons connected in any way with the occurrence (including all witnesses as well as those directly involved);
- Each individual should be identified in a manner that eliminates the possibility of confusion with another individual (i.e. for inmates, include: name, living quarters (assigned cellblock or cell numbers, dormitory/bed numbers, or other appropriate designations) and work assignment (work release). Consider the possibility of inmates sharing the same name.
- Identify the staff by complete name and title.

WHAT? Provide a *clear*, *unmistakable description* of what happened. Ask the following:

- What took place that called for a report? Was it fighting, possession of contraband, attempting to escape or assault?
- What specific offense was committed (if any)?

- What are the elements of the offense?
- What was the object of the action?

The officer should also consider:

- What kind of damage was done?
- Was the value of the property lost, stolen or recovered?
- What evidence was left at the scene?
- What kind of weapons or tools were used?
- Does further action need to be taken?

WHEN? What time, day, date, month and year did it happen?

- What time did it happen? State the hour and minute it happened only if known. (i.e., "I had just finished making my midnight rounds. It was 00:10 a.m. when I started and rounds take about 10 minutes to complete. I was walking toward the control room from B cellblock."
- Refer to "approximate" time if the exact time is not known. Set out approximations within limits, such as between possible minutes within a single day, or between certain hours of one day and a subsequent day. (i.e., Between the hours of 8:00 a.m., March 3, 1995, and 3:00 p.m. on Saturday, March 4, 1995.)
- What MONTH? What YEAR? NAME THE DAY and DATE This will help in the retrieval of past documentation. NEVER use indefinite expressions of time such as "last week", "yesterday" or "two days ago".
- **Be specific and exact.** Exactness in reporting time will maintain the chronological sequence and is **essential when testimony is required**. Errors in documenting correct time can taint the credibility of a factual report, and waste time in reconstructing events (sometimes under uncomfortable cross-examinations in court).

Additional points to consider when establishing "when" include:

- When was the infraction committed?
- When was the infraction discovered?
- Was/were the suspects(observed)?
- How long did it take to commit the infraction? and
- Did the inmate have enough time to dispose of the evidence?

WHERE? Where **specifically** did the incident happen in the jail?

- Notate "identifiable" locations (i.e., "In the southeast corner of the dining room just in front of the commissary door."
- Document the **location of persons** involved as well as important facts. (i.e., Inmate Johnson was standing directly in front of the commissary door. Inmate Floyd was behind him but obscured by Johnson?"
- Specify the position of the **reporting officer** as well as **other officers** during the incident. Also, note the position of all **witnesses**. (i.e., "I was in the dining room in the southwest corner by the fountain facing the southeast corner from which I could view the incident."
- A guidel ine is to assume that the reporting officer is the only one with specific location referred to in the report or where certain items were found. Therefore, in describing a location or referencing a place

where something (perhaps contraband) was found, do not assume any knowledge on the part of anyone else.

The officer should also consider the following:

- Where were the tools or weapons obtained? and
- Where has a simil ar infraction been committed (inside the jail)?
- **HOW?** How did it happen? This can answer a vast array of questions about the occurrence and is very often the largest, most detailed portion of the report narrative. "**How**" questions should create a "**word picture**" of the happening in chronol ogical order. In addition, specific "how" questions can uncover serious gaps in jail security. Some examples of "how" questions include:
 - How did the incident take place?
 - How was the offense committed?
 - How did the hacksaw blades get into the jail?
 - How did the inmate in segregation obtain a book of matches?
 - How did the marijuana get into the jail?
 - How was the property or person attacked?
 - How did the victim (if appropriate) act and respond?
 - How did the witness learn the facts?
- **WHY?** Why did it happen? What was the motive? Many times, this is the most difficult element in the report to determine. The following key issues will help the reporting officer "get to the bottom" of the occurrence and prevent false reporting.

State only the facts.

- A fact is that which an investigator has learned through the use of his/her five senses.
- A fact is that which the investigator (reporter) has heard, has seen, has tasted or has touched.
- Facts are the **personal knowledge gained by the reporter** (**investigator**) first-hand from the situation, through his/her senses. However, senses can be deceiving. (i.e., Cocaine is not cocaine until a lab says it is cocaine. Our senses can be deceiving particularly when we have a predisposition to suspiciousness. (Cocaine" might be foot powder or vice versa!)

Do not guess or include hearsay <u>unless you qualify your</u> statement.

- Hearsay is learned, second-hand by the reporter (investigator). It is something a person other than himself heard, saw, etc.
- Statements from other persons, even when they are eyewitnesses, are hearsay as far as a report is concerned. Identify who made a statement to you, being sure to qualify that the statement may not necessarily reflect fact.

ACTION TAKEN What action did the officer take? What disposition was made of the evidence, inmate, victim and witnesses involved? The officer should be certain to include all action which has been taken and list any action which is pending, such as persons to be interviewed and an analysis of evidence.

- Did the officer summon help?
- Did he/she arrange for transport to the hospital or on-the-spot first aid?
- Did the officer handle the incident informally?
- Who was notified of the incident (a shift supervisor, another officer, or the jail administrator?
- Was any evidence collected? If so, what was the disposition?
- Were any forms required to be completed or log entries made relative to the occurrence? If so, where were these reports sent and specifically, to whom?

The **seven essential elements** are key to development of an <u>accurate</u> and <u>defensible</u> report. Many reports are not defensible and are of little use due to poor preparation. Reports are often dismissed because of:

- Insufficient facts or evidence;
- Insufficient relationship between text and action requested;
- Inclusion of personal opinion;
- Incident better handled informally;
- Poorly organized statement of general ities rather than specifics.

THE FIVE REQUIREMENTS OF A GOOD REPORT

When the officer has obtained information and data to provide the answers to as many of the seven essentials of effective report writing as possible, then he/she can write the report. Remember "**the five C's**" of good report writing:

- 1. Completeness
- 2. Conciseness
- 3. Clearness
- 4. Correctness
- 5. Courteousness or Fairness

1. COMPLETENESS

The report must cover all details concerned with the incident or occurrence, covering all the facts as they are known to the reporting officer. Where there is no need to go on and on about the event, all details, aspects, and issues associated with it should be recorded. All seven essential elements must be adequately covered. Ask yourself the question, "What if I were not involved at all in the situation? Would my report give me a clear picture of what really occurred?"

A part of completeness is the use of full and complete sentences without use of

special jargon. Unfortunately, too many correctional officers have developed a sort of special vocabulary that actually has no place in the preparation of readable, understandable reports.

If the writer knows certain information is lacking, he/she should report:

- What information is lacking or incomplete;
- What efforts were made to obtain this information;
- Why the information was not obtained;
- What is recommended to obtain this information.

2. CONCISENESS

The quality of being brief (saying what you have to say and nothing more) is being "concise". Several basic rules to remember regarding conciseness are:

- Get to the point;
- Do not editorial ize;
- Make every sentence count;
- Avoid repeating points;
- Make sure everything is pertinent. (i.e., What an inmate was wearing at the time of an occurrence may be important if the clothing had a bearing on what happened. If it did not, a clothing description would be unnecessary detail and would clog up the report.)

<u>Prior to writing the report</u> think through the event. <u>**Outline**</u> the key elements and essential information. This will enable a concise report.

3. CLEARNESS

Stick to the facts and use simple, descriptive words. A clear reports allows the reader to understand the incident as the writer observed it.

- By using loaded or slanted words in a report, except when quoting a statement, the writer is violating the principle of accuracy. Such words merely describe the writer's response to the situation rather than a description of the event observed.
- The report writer should avoid the use of words that may produce a connotation which overshadows the true meaning.
- Use words that tend to maintain dictionary definitions rather than words which are given meanings not found in the dictionary.
 - Avoid slang terms, vernacular terms and jargon of any type.
 - Avoid words whose meanings tend to vary with different groups of people.
 - Use simple, direct language, selecting the words carefully, if necessary,

with the use of a dictionary. However, do not use the dictionary merely to use impressive words.

4. CORRECTNESS

The report directly reflects the integrity of the writer. Correctness means that the officer has reported exactly what occurred **without** personal judgments or conclusions reached without the support of evidence or facts. Slanting the incident or occurrence to meet personal needs may cause the officer harm, compromise his/her position with inmates and staff, and/or otherwise invoke trouble should the report become part of a subsequent legal proceeding. Key points to remember in striving for correctness are:

- Accuracy is the basic principle of a good report.
- Accuracy is achieved by keeping the information in the report closely related to the observations made through the physical senses: sight, smell, taste, hearing, touch.
- The report is a complete recitation of the relevant knowledge obtained regarding the incident.
- The personal integrity of the writer is reflected in the accuracy of the report. To maintain personal integrity:
 - Record only the facts
 - Make certain spelling is correct.
 - Make certain grammar is correct.
 - Keep the report neat in appearance.

5. COURTEOUS (Fairness)

Should the reporting officer be antagonistic toward any of the persons involved, his/her ability to remain objective is seriously compromised. The job at hand is to gather the facts and report them, not to prosecute, judge or otherwise be an interpreter. Courteousness or fairness reflects the personality and training of the writer and is accomplished by:

- Reporting cal ml y;
- Being objective;
- Being fair;
- Being sure theories take second place to facts, not vice versa.

PART II - WRITING THE REPORT (Note Taking, Preservation of Evidence and Log Entries)

NOTE TAKING

Officers are not always able to write a report immediately after an incident has occurred: For instance:

- Medical emergencies requiring immediate transportation;
- Fire emergencies requiring evacuation and cleanup;
- Insufficient time to do complete reports prior to end of shift.

In situations like these, the officer must make a temporary record of the event until a formal report can be written. (Notes can be used to refresh the officer's memory.) Remember:

- <u>Al ways</u> carry a notebook.
- Notes should cover the "seven essentials of a report".
- They should be made <u>as soon as possible following the event</u>.
- Record **only facts and observation**, not opinions.
- Reference all communication with others and reports filed.
- Notes should include statements of participants and witnesses.
- Where applicable, notes should include sketches of the scene and locations of people and important objects.
- Note all evidence collected and its disposition.
- If the situation warrants, have pictures taken, marked, and make note of them.
- Record events in chronological order and give approximate times.
- <u>Number the pages of your notebook consecutively</u> and do not remove any pages. (Notebooks often serve as evidence and need to be maintained this way to protect the integrity of the record. When your notebook is full, **do not discard it**, but file it in a safe place in chronological order with your other notebooks.

PRESERVATION OF EVIDENCE

When handling evidence remember:

- Evidence should be picked up by the person who found it and not passed from person to person.
- <u>Mark it</u>. Either physically mark the object, attach a tag or label to it, store it in a marked container or in some other way to ensure that it is permanently identifiable.
- **Note it.** Note the means of marking and the physical description. Include serial numbers, model numbers, brand names, etc.
- **Report it.** Include a record of all evidence and its disposition in the appropriate reports.
- <u>Document chain of evidence</u>. A written record must be made each time the evidence passes from one person to another and of how the evidence is secured by each person. (There is no double jeopardy created by holding both administrative disciplinary proceedings and filing criminal charges. Therefore, jail officers must document evidence chain for possible criminal disposition of offense.)

LOG ENTRIES

During the first year of service, a jail officer will literally make thousands of log

entries. Such entries are the backbone of a jail's system of record keeping and basic documentation. During a lawsuit against individual officers or the county perhaps no other single type of documentation is as important as the carefully kept log.

Several types of logs exist, depending upon the policies and procedures followed in the jail. Some of the more common types of logs include:

• <u>Daily Activity Log</u>. Usually kept in the control room or main post of the jail, this log documents the general flow of activity in the jail. It serves as a minute-by-minute diary of what at the time may seem to be inconsequential events (i.e., times of arrival by officers for shifts, when the meals arrived, time of physician's arrival for sick call, etc.).

The Daily Activity Log is extremely useful as a "pass on" log for sharing information with other shifts. Some jails actually utilize a separate "pass on book".

- **Medical Log**. Many facilities keep a special log which accompanies officers on rounds to administer medication. Such a log includes information such as the inmate's name, the name of the medication and dosage, time of administration and spaces for initials by the inmate and administering officer.
- <u>Transportation Log</u>. This serves as a record of all persons moved by vehicles outside the facility, dates and times, miles traveled, destination, purpose, odometer readings and related information. (Many inmates allege assaults by officers during transport. Careful documentation is essential during this time),
- <u>Daily Sanitation/Security Inspection Log</u>. While basic sanitation and security inspections and their findings may be mentioned on the Daily Activity Log, some jails (particularly those under court order for sanitation/security violations) often find it useful to establish this separate form of documentation.

Additional specialized types of logs sometimes opted for by jail administration include tool and key logs, recreation equipment logs, recreation participant logs, mail logs, unit logs, administrative/disciplinary cell logs, etc. Each plays an integral part in the overall goal of a well-documented jail operation.

IMPORTANT!

- **Be specific** about the condition of inmates when making cell checks. A note about their mood or activity in which engaged is good practice. (i.e., Johnson in Cell #9 is reading on a bunk.) "O.K." is **NOT** adequate!
- Entries should reflect observations.
- Any and all unusual occurrences should be noted.
- Follow through! Officers who are going off duty should verbally summarize

the important events of the day for personnel relieving them. In addition, officers should read the log each time they assume a post.

SUMMARY

- 1. A report is a formal "written recollection of the writer" and a "permanent record" compiled by the jail officer detailing an event and his/her actions, observations and discoveries.
- 2. Reports are important because they are:
 - Permanent:
 - Reflect on the training and character of the writer;
 - Are subject to review by a variety of persons and adjacencies including courts:
 - Provide for consistency of policy and procedures;
 - Often have legal ramifications for inmate, staff and governmental units.
- 3. Reports may require simple review by the officer, notation without commentary or complete, detailed narratives.
- 4. Detailed narrative must include the <u>"Seven Essential Elements"</u> of **WHO**, **WHAT**, **WHEN**, **WHERE**, **HOW**, **WHY and ACTION TAKEN**.
- 5. Reports must be CLEAR, CONCISE, COMPLETE, CORRECT and PROFESSIONALLY COURTEOUS.
- 6. A report is deficient when it contains insufficient facts or evidence, personal opinion, assumptions or hearsay, is poorly organized, incomplete or illegible or does not serve the purpose for which it was intended.
- 7. Officers should maintain their own personal notebooks and keep notes about incidents and events as they occur. Notebooks should be carried always, maintained in chronological order and filed for future reference when full.
- 8. Notes should cover the essential elements of a report and include relevant statements and facts about evidence.
- 9. In any reporting the officer should use words and phrases carefully and accurately.
- 10. Log book entries, while sometimes boring and tiresome to complete, should never be done sloppily or incompletely.

This issue of the *Jail Bulletin* was adapted from lesson plans provided by **Denny Macomber**, Training Lieutenant, Lancaster County Department of Corrections and other information also furnished by their Training Department. If you wish to write for the *Jail Bulletin* or if you have material to contribute, please contact: Jail Standards Division, P.O. Box 94946, Lincoln, Nebraska 68509, tel ephone 402-471-3710.

- 11. The basic Daily Activity Log covers any and all unusual occurrences, reflects actual observations, and should be referred to at the beginning of a new assignment.
- 12. Special ized logs may be established at the discretion of the jail administrator and are used as an extra measure of documentation for sensitive operational areas requiring special care.

Each officer should understand that he/she is capable of writing a good report. Individual ism in writing reports is expected as long as the above basic principles are followed.

SEE PAGE 11 AND 12 FOR A LIST OF WORD SUBSTITUTES AND WRITING EXAMPLES.

LIST OF POPULAR EXPRESSIONS AND WORD SUBSTITUTES

By eliminating words, we make report writing easier and increase clarity

WORD OR PHRASE	BETTER SUBSTITUTE
I observed that there was a knife on the cell floor.	I saw a knife on the floor of cell #13.
Rel ated Stated/Expl ained Articul ated Verbal ized	Said
Informed Advised Notified Instructed	Tol d
Altercation Mutual combat Physical confrontation	Fight
Verbal altercation Verbal dispute/Heated debate Fiery exchange of words Verbal flare-up	Argument
Regarding In regard to Reference In reference to	About
Due to the fact that In view of the fact that In light of the fact that	Because

At this point At this time At which time At this point in time	Then
Kept under observation Maintained surveillance over Visually monitored	Watched

WRITING EXAMPLES BAD **BETTER** On the above date and time at Inmate Bird told me that inmates Goon and Meek argued and then reference location, I, Officer, Friendly, was verbally advised by fought, but Inmate Bird did not know reporting party that two inmates which of them was first to use force. became engaged in a verbal dispute, Meek said his head hurt so I called which then escal ated into a physical the nurse. The nurse checked Meek al tercation between the two. It was and an ambul ance was called at 2:30 p.m. Inmate returned at 3:45 p.m. unknown by reporting party which of the inmates had actually initiated the physical altercation which resulted. It should be noted that when this officer responded to the location of the first inmate, this officer was able to observe no indications of the al tercation, except that on contacting the other inmate, I, Officer Friendly, ascertained that the inmate was indicating that he was suffering a painful head. It should be noted further that in view of this fact, the nurse, who was on duty, was requested by this officer, at this time, to check the inmate. After the nurse checked this inmate, I Officer Friendly, called for an ambulance.

THE ACTIVE VOICE VERSUS THE PASSIVE VOICE

PASSIVE	ACTIVE
Percy was booked in by me.	I booked-in Percy
A knife was found in Harley's right boot. (Who found it? Will you remember later who found the knife?)	Officer Raybo found a knife in Harl ey's right boot

If you can say it in the active voice, don't use the passive...your reports will answer questions, rather than raise them, and will be informative, rather than wordy.

A WELL WRITTEN REPORT

• Documents consistent application of facility policies and procedures;

- Is a legal document and a permanent record;
- Has wide circulation (courts, other elements of the criminal justice system, inmate, attorneys);
 - Reflects on competency and character of reporter;
 - Does not make assumptions or claim opinions . . . It just states fact.

QUIZ

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of in-service training each year. The Jail Bulletin may be used to supplement inservice training if an officer studies the bulletin, completes the quiz, and this process is documented by the jail administrator for review during annual jail inspections.

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3) CLEAR		
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5. Name four common types of logs entries:

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- b) Medical Log
 c) Transportation Log
 Daily Sanitation/Security Inspection Log
- CREDIT: One half hour credit for jail inservice training requirement Answer sheet should be retained by the jail administrator or training officer.